

AMENDED IN SENATE JUNE 7, 2006

AMENDED IN SENATE MAY 2, 2006

SENATE BILL

No. 1443

Introduced by Senator Ashburn

February 22, 2006

~~An act to amend Sections 21362, 21362.2, 21363, 21363.1, 21363.3, 21363.4, 21363.8, 21369, 21369.1, and 21370 of An act to add Section 21391 to the Government Code, relating to public employees' retirement and declaring the urgency therefor thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1443, as amended, Ashburn. Public employees' retirement: retirement allowances.

The Public Employees' Retirement Law provides that the maximum service retirement benefit payable to a state patrol member or a state peace officer/firefighter member who retires on or after January 1, 2000, shall not exceed 90% of final compensation, as defined. That law provides that the maximum service retirement benefit payable to a state safety member shall not exceed 80% of final compensation and the maximum service retirement benefit payable to a local safety member shall not exceed 85% of final compensation. That law permits those members to earn a retirement benefit under more than one retirement benefit formula.

This bill would provide, if a state patrol member, a state peace officer/firefighter, ~~or a state safety member, or local safety member~~ earns a retirement benefit under more than one retirement benefit formula, ~~and his or her effective date of retirement or date of death is on or after the effective date of the bill, the combined cumulative~~

~~retirement benefit payable under all retirement benefit formulas based on a combination of service, as specified, shall not exceed the maximum percent 90% of final compensation applicable to those members. The bill would require that if a state member is subject to this limitation, and the member's retirement benefit is subject to different limitations on maximum benefits, then the higher maximum would apply, and the additional benefit would be funded by the employer for whom the member performed the service subject to the higher maximum.~~

~~This bill would also make related, technical changes to these provisions.~~

This bill would make findings and declarations that this act is declaratory of existing law.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21391 is added to the Government
 2 Code, to read:
 3 21391. (a) For a retirement or a date of death effective on or
 4 after the effective date of this section, the cumulative retirement
 5 benefit for a patrol member, peace officer/firefighter member, or
 6 state safety service member whose allowance is based on a
 7 combination of service under Section 21362, 21362.2, 21363,
 8 21363.1, 21363.4, 21363.8, 21369, or 21369.1, as a patrol
 9 member, peace officer/firefighter member, or state safety
 10 member, shall not exceed 90 percent of final compensation.
 11 Under no circumstances shall the benefit allowable under these
 12 sections exceed the maximum amount allowable under each
 13 section in which the service was earned.
 14 (b) For a state member whose death or effective date of
 15 retirement is on or after the effective date of this section, whose
 16 benefit is subject to the limitation provided by this section, and
 17 whose retirement benefit is subject to different limitations on
 18 maximum benefits under the sections listed in subdivision (a), the
 19 higher maximum benefit shall apply and the additional benefit
 20 shall be funded by increasing the member's pension payable with

1 *respect to the employer for whom the member performed the*
2 *service subject to the higher maximum.*

3 *SEC. 2. The amendments made by this act do not represent a*
4 *change in, but are declaratory of, existing law. The Legislature*
5 *finds and declares that the benefits enacted by Chapters 555 and*
6 *633 of the Statutes of 1999 and Chapters 1 and 56 of the Statutes*
7 *of 2002 were not intended to grant a retirement allowance in*
8 *excess of the final compensation of a member.*

9 *SEC. 3. This act is an urgency statute necessary for the*
10 *immediate preservation of the public peace, health, or safety*
11 *within the meaning of Article IV of the Constitution and shall go*
12 *into immediate effect. The facts constituting the necessity are:*

13 *In order to ensure that the benefits enacted by Chapters 555*
14 *and 633 of the Statutes of 1999 and Chapters 1 and 56 of the*
15 *Statutes of 2002 are implemented as intended and to facilitate*
16 *appropriate clarification for the proper administration of*
17 *benefits, it is necessary for this act to take effect immediately.*

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20 **All matter omitted in this version of the bill**
21 **appears in the bill as amended in the**
22 **Senate, May 2, 2006 (JR11)**
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